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AMENDMENTS TO THE CLAIMS

1. (currently amended): A system for communicating messages comprising:

~~a data network~~ ^{network} to provide data connectivity for a plurality of data communications channels using ~~data~~ ^{data} transport protocols;

first, ~~second~~ ^{second} and third data network telephones connected to the data network, each of the ~~first~~ ^{first}, second and third data network telephones operable to communicate a voice signal as ~~voice-over-data~~ ^{voice} packets on a voice-over-data channel, the voice over data channel being ~~one~~ ^{one} of the plurality of data communications channels on the data network, each data ~~network~~ ^{network} telephone operable to convert voice-over-data packets communicated on the voice-over-data channel to voice signals; and

~~a messaging application~~ ^{messaging} connected to the data network, the messaging application adapted to ~~detect~~ ^{detect} a first voice over data channel between the first data network telephone and the ~~second~~ ^{second} data network telephone, to establish a messaging media connection comprising a ~~second~~ ^{second} data communications channel to the first data network telephone, to ~~receive~~ ^{receive} data ~~messages~~ ^{messages} from the third data network telephone and to send the data messages to the first data network telephone;

~~a contact list~~ ^{contact} comprising at least one contact user identifier, wherein the ~~messaging application~~ ^{application} is adapted to establish a data channel to each of the at least one ~~contact user identifier~~ ^{identifier};

~~a contacts detector~~ ^{contacts} to detect a data communications channel with the at least one ~~of the contact user identifier~~ ^{user}; and

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y

CONTACTS

a contacts reporter operable to communicate a report data message to the first telephone, the report data message comprising selected ones of the at least one contact user identifiers with whom the first telephone may communicate messages

SYSTEM

2. (original): The ~~system~~ of Claim 1 wherein the messaging application is adaptable to detect a second voice over ~~data~~ channel to the third data network telephone and to send a contact user identifier to the first ~~data~~ network telephone.

SYSTEM

3. (original): The ~~system~~ of Claim 1 wherein the messaging application is adapted to send a messaging input ~~screen~~ to the first data network telephone, the messaging input screen comprising a message ~~input~~ area and a contacts available list.

SYSTEM

4. (original): The ~~system~~ of Claim 3 wherein the messaging application is adaptable to detect a second voice over ~~data~~ channel to the third data network telephone and to send a contact user identifier to the first ~~data~~ network telephone for display on the contacts available list.

5. (canceled).

AMENDED

6. (currently ~~amended~~): The ~~system~~ of Claim 15 wherein the messaging application is adapted to send a messaging ~~report~~ to each of the at least one contact user identifiers.

SYSTEM

7. (original): The ~~system~~ of Claim 1 wherein the data messages comprise text-based messages.

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 8. (original): The ~~system~~ ^{system} of Claim 1 wherein the data messages comprise voice-based messages.

9. (original): A ~~messaging~~ ^{messaging} application for communicating messages over a data network comprising:

~~a connection~~ ^{connection} detector adapted to detect a first voice over data channel between a first telephone ~~and a second telephone;~~ ^{and}

~~a communications~~ ^{communications} function operable to establish a messaging media connection with the first ~~telephone;~~ ^{telephone} and

~~a messaging~~ ^{messaging} function operable to communicate a messaging input screen to the first telephone ~~and to communicate data messages with the first telephone;~~ ^{and}

~~a contacts~~ ^{contacts} connected list comprising at least one contact user identifier;

~~a contacts~~ ^{contacts} detector to detect a data communications channel with the at least one ~~of the contact user identifier; and~~ ^{user}

~~a contacts~~ ^{contacts} reporter operable to communicate a report data message to the first ~~telephone, the report data message comprising selected ones of the at least one contact user identifiers with whom the first telephone may communicate messages.~~ ^{report}

10-12. (canceled).

13. (original): The messaging application of Claim 9 ~~12~~ further comprising a connection announcer operable to communicate a data message to at least one of the contact user identifiers, the data message ~~operable~~ ^{operable} to enable communications between the first telephone and the contact user identifiers.

14. (currently amended): The messaging application of Claim 9 ¹⁵ wherein the ~~comprising a~~ contacts connected list ~~is~~ operable to store connected contacts detected by the contacts detector.

15. (original): The ^{messaging} ~~messaging~~ application of Claim 9 further comprising a connection to a ^{server} ~~server~~ telephony connection ^{communicate} ~~server~~ comprising a telephone account for the first telephone, the connection operable to ~~communicate~~ a connection status to the messaging application.

16. (currently amended): A method for communicating messages over a data network ^{of:} comprising the steps of:

^{detecting} ~~detecting~~ a voice over data communications channel between a first telephone and a second telephone;
^{detecting} ~~detecting~~ a voice over data communications channel to a third telephone;
^{sending} ~~sending~~ a messaging input screen to the first telephone, the messaging input screen ^{comprising} ~~comprising~~ a contact to the third telephone;
^{sending} ~~sending~~ a connection data message to the third telephone to report the availability of the first telephone for messaging;
^{receiving} ~~receiving~~ a data message from the third telephone to the messaging application;
 and
^{sending} ~~sending~~ the data message to the first telephone;
^{receiving} ~~receiving~~ a data message at the messaging input screen;
^{selecting} ~~selecting~~ the third telephone to receive the data message;
^{communicating} ~~communicating~~ the data message to the messaging application; and

communicating

~~communicating the data to the third telephone.~~

17. (canceled).

amended

18. (currently amended): A method for communicating messages over a data network comprising the steps of:

~~detecting~~ detecting a voice over data communications channel between a first telephone and a second telephone;

~~detecting~~ detecting a voice over data communications channel to a third telephone;

~~sending~~ sending a messaging input screen to the first telephone, the messaging input screen comprising a contact to the third telephone;

~~sending~~ sending a connection data message to the third telephone;

~~receiving~~ receiving a data message at the messaging input screen;

~~selecting~~ selecting the third telephone to receive the data message;

~~communicating~~ communicating the data message to the messaging application; and

~~communicating~~ communicating the data message to the third telephone;

~~receiving~~ receiving a data message from the third telephone to the messaging application;

and

~~sending~~ sending the data message to the first telephone.

19. (canceled).